

**UNITED STATES BANKRUPTCY COURT**  
**SOUTHERN DISTRICT OF NEW YORK**  
One Bowling Green  
New York, NY 10004-1408

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IN RE: Elaine A. Fludgate  
aka E. A. Fludgate

CASE NO.: 10-14475-reg

Social Security/Taxpayer ID/Employer ID/Other Nos.:      CHAPTER: 7  
xxx-xx-6071

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**DISCHARGE OF DEBTOR**  
**ORDER OF FINAL DECREE**

A petition under chapter 7 of title 11, United States Code was filed by or against the Debtor(s) on 8/23/10 ; an order for relief was entered under chapter 7; no order denying a discharge has been granted. The Debtor's estate has been fully administered.

**IT IS ORDERED THAT:**

1. The Debtor is released from all dischargeable debts.
2. Any judgment not obtained in this court is null and void as to the personal liability of the Debtor(s) regarding the following:
  - (a) debts dischargeable under 11 U.S.C. § 523(a);
  - (b) debts alleged to be excepted from discharge under 11 U.S.C. § 523(a)(2),(4),(6) or (15) unless determined by this court to be nondischargeable;
  - (c) debts determined by this court to be discharged.
3. All creditors whose debts are discharged by this order or whose judgments are declared null and void in 2 above, are enjoined from instituting or continuing any action, employing any process or engaging in any act to collect such debts as personal liabilities of the Debtor(s).
4. Albert Togut is discharged as the Trustee of the Debtor's estate and the bond is cancelled. The chapter 7 case of the Debtor(s) is closed.

Dated: 12/23/10

Robert E. Gerber, Bankruptcy Judge

## **EXPLANATION OF BANKRUPTCY DISCHARGE IN A CHAPTER 7 CASE**

This court order grants a discharge to the person named as the debtor. It is not a dismissal of the case and it does not determine how much money, if any, the trustee will pay to creditors.

### **Collection of Discharged Debts Prohibited**

The discharge prohibits any attempt to collect from the debtor a debt that has been discharged. For example, a creditor is not permitted to contact a debtor by mail, phone, or otherwise, to file or continue a lawsuit, to attach wages or other property, or to take any other action to collect a discharged debt from the debtor. *[In a case involving community property:]* [There are also special rules that protect certain community property owned by the debtor's spouse, even if that spouse did not file a bankruptcy case.] A creditor who violates this order can be required to pay damages and attorney's fees to the debtor.

However, a creditor may have the right to enforce a valid lien, such as a mortgage or security interest, against the debtor's property after the bankruptcy, if that lien was not avoided or eliminated in the bankruptcy case. Also, a debtor may voluntarily pay any debt that has been discharged.

### **Debts That are Discharged**

The chapter 7 discharge order eliminates a debtor's legal obligation to pay a debt that is discharged. Most, but not all, types of debts are discharged if the debt existed on the date the bankruptcy case was filed. (If this case was begun under a different chapter of the Bankruptcy Code and converted to chapter 7, the discharge applies to debts owed when the bankruptcy case was converted.)

### **Debts that are Not Discharged.**

Some of the common types of debts which are not discharged in a chapter 7 bankruptcy case are:

- a. Debts for most taxes;
- b. Debts that are in the nature of alimony, maintenance, or support;
- c. Debts for most student loans;
- d. Debts for most fines, penalties, forfeitures, or criminal restitution obligations;
- e. Debts for personal injuries or death caused by the debtor's operation of a motor vehicle while intoxicated;
- f. Some debts which were not properly listed by the debtor;
- g. Debts that the bankruptcy court specifically has decided or will decide in this bankruptcy case are not discharged;
- h. Debts for which the debtor has given up the discharge protections by signing a reaffirmation agreement in compliance with the Bankruptcy Code requirements for reaffirmation of debts.

**This information is only a general summary of the bankruptcy discharge. There are exceptions to these general rules. Because the law is complicated, you may want to consult an attorney to determine the exact effect of the discharge in this case.**

# CERTIFICATE OF NOTICE

District/off: 0208-1  
Case: 10-14475

User: jepps  
Form ID: 155

Page 1 of 1  
Total Noticed: 22

Date Rcvd: Dec 23, 2010

The following entities were noticed by first class mail on Dec 25, 2010.

db +Elaine A. Fludgate, 171 E. 77th St. Apt 4G, New York, NY 10075-1925  
smg N.Y. State Unemployment Insurance Fund, P.O. Box 551, Albany, NY 12201-0551  
smg New York City Dept. Of Finance, 345 Adams Street, 3rd Floor,  
Attn: Legal Affairs - Devora Cohn, Brooklyn, NY 11201-3719  
smg New York State Tax Commission, Bankruptcy/Special Procedures Section, P.O. Box 5300,  
Albany, NY 12205-0300  
smg United States Attorney, One St. Andrew's Plaza, Claims Unit - Room 417,  
New York, NY 10007-1701  
ust +United States Trustee, 33 Whitehall Street, 21st Floor, New York, NY 10004-2122  
5278329 CITICARD CHOICE, PO BOX 183051, COLUMBUS, OH 43218-3051  
5280744 +EAST 77TH ST. ASSOC., 171 E. 77TH ST., NEW YORK, NY 10075-1940  
5278334 +M&M RECOVERY SERVICES LLC, 154 HUGENOT ST., SUITE 204, NEW ROCHELLE, NY 10801-5207  
5278335 +NYU ANESTHESIA ASSOCIATION, PO BOX 414158, BOSTON, MA 02241-4158  
5278336 +NYU HOSPITAL, PO BOX 415234, BOSTON, MA 02241-5234  
5278337 +NYU HOSPITAL CENTER, PO BOX 415240, BOSTON, MA 02241-5240  
5278338 +NYU SCHOOL OF MEDICINE, PO BOX 414106, BOSTON, MA 02241-4106  
5278339 +QVC, PO BOX 530905, ATLANTA, GA 30353-0905

The following entities were noticed by electronic transmission on Dec 23, 2010.

5278327 EDI: AMEREXPR.COM Dec 23 2010 16:13:00 AMERICAN EXPRESS, PO BOX 1270,  
NEWARK, NJ 07101-1270  
5278328 EDI: WFNNB.COM Dec 23 2010 16:13:00 CATHERINES, PO BOX 659728, SAN ANTONIO, TX 78265-9728  
5278330 EDI: DISCOVER.COM Dec 23 2010 16:13:00 DISCOVER CARD, PO BOX 71084,  
CHARLOTTE, NC 28272-1084  
5278331 +EDI: HFC.COM Dec 23 2010 16:13:00 HSBC BANK USA N.A., PO BOX 17332,  
BALTIMORE, MD 21297-1332  
5278332 +EDI: HFC.COM Dec 23 2010 16:13:00 HSBC CARD SERVICES, PO BOX 17332,  
BALTIMORE, MD 21297-1332  
5278333 EDI: IRS.COM Dec 23 2010 16:13:00 INTERNAL REVENUE SERVICE, POST OFFICE BOX 21126,  
PHILADELPHIA, PA 19114-0326  
5289620 EDI: RECOVERYCORP.COM Dec 23 2010 16:13:00 Recovery Management Systems Corporation,  
25 S.E. 2nd Avenue, Suite 1120, Miami, FL 33131-1605  
5278340 EDI: WFNNB.COM Dec 23 2010 16:13:00 WOMAN WITHIN, PO BOX 659728,  
SAN ANTONIO, TX 78265-9728

TOTAL: 8

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USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 25, 2010

Signature:

